

The Honorable John H. Chun

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, INC., a Delaware
corporation; and AMAZON.COM SERVICES
LLC, a Delaware limited liability company,

Plaintiffs,

v.

YAN LI, an individual; and XIWEI CHEN, an
individual; and DOES 1-10,

Defendants.

No. 2:23-cv-00486-JHC-MJP

**MOTION FOR ENTRY OF DEFAULT
AGAINST DEFENDANTS**

WITHOUT ORAL ARGUMENT

NOTE ON MOTION CALENDAR:
JULY 26, 2024

Plaintiffs Amazon.com, Inc., and Amazon.com Services LLC (together, “Amazon” or “Plaintiffs”) move, pursuant to Federal Rule of Civil Procedure 55(a) and Local Civil Rule 55(a), for entry of default against Defendants Yan Li (“Defendant Li”) and Xiwei Chen (“Defendant Chen”) (collectively, “Defendants”).

On March 30, 2023, Plaintiffs filed a Complaint against the individuals and entities doing business as the Amazon Brand Registry Account Vivcic who abused Amazon’s notice-and-takedown procedures to deceptively remove product listings in the Amazon Store in violation of Amazon’s rights and policies. Dkt. 1. Following expedited discovery, on May 15, 2024, Plaintiffs filed a First Amended Complaint, naming Defendant Li and Defendant Chen. Dkt. 30.

On May 28, 2024, Plaintiffs filed a Motion for Alternative Service, seeking an order allowing service upon Defendants through the email addresses used to register the Amazon

1 Selling Account under Defendants' control, and the email addresses used to register their
 2 financial accounts with the payment service providers that are connected to that Selling Account.
 3 *See, generally*, Dkt. 35. The Court granted the Motion, Dkt. 40, and Plaintiffs successfully
 4 served Defendants via email on June 20, 2024. *See* Certificates of Service, Dkt. 40-41.
 5 Defendants' responsive pleading was due on or before July 11, 2024. Fed. R. Civ. P.
 6 12(a)(1)(A)(i).

7 Defendants did not respond to the emails through which Plaintiffs served them with
 8 process, have not since appeared in this action personally or through counsel, have not filed or
 9 served an answer in this action during the time provided by Rule 12 of the Federal Rules of Civil
 10 Procedure, and have not otherwise indicated any intent to participate in this litigation. Fed. R.
 11 Civ. P. 12(a)(1)(A)(i). Accordingly, Plaintiffs respectfully request that the Court enter an order
 12 of default against Defendants.

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 14 *I certify that this memorandum contains 286 words in compliance with the Local Civil*
 15 *Rules.*

16
 17 DATED this 26th day of July, 2024.

18 DAVIS WRIGHT TREMAINE LLP
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20 *s/ Scott R. Commerson*

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